

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X		
STR SYSTEMS NY, LLC,	:	
	:	
Plaintiff,	:	21 Civ. 357 (LGS)
	:	
-against-	:	<b><u>ORDER</u></b>
	:	
GES MEGAFOUR, LLC, et al.,	:	
Defendants.	:	
-----X		

LORNA G. SCHOFIELD, District Judge:

WHEREAS, Defendant RONGCHE CHEN filed a Notice of Removal on January 15, 2021, (Dkt. No. 2) and removed this action from State Court pursuant to the Court’s diversity jurisdiction.

WHEREAS, a Notice of Removal should allege the citizenship of the parties both at the time of the commencement of the action, and at the time of the Notice of Removal. “The general rule is when, as in this case, diversity is the sole basis for asserting removal jurisdiction, diversity must exist both at the time the original action is filed in state court and at the time removal is sought to federal court.” *Adrian Family Partners I, L.P. v. ExxonMobil Corp.*, 79 Fed. Appx. 489, 491 (2d Cir. 2003); *see also United Food & Commercial Workers Union, Local 919 v. CenterMark Properties Meriden Square, Inc.*, 30 F.3d 298, 301 (2d Cir. 1994).

WHEREAS, “[f]or the purposes of diversity jurisdiction, a partnership takes the citizenship of all of its partners.” *Platinum-Montaur Life Scis., LLC v. Navidea Biopharmaceuticals, Inc.*, 943 F.3d 613, 615 (2d Cir. 2019).

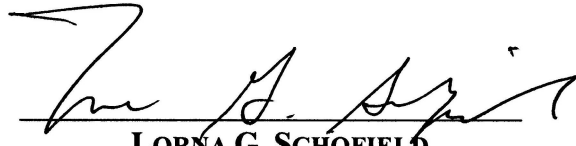
WHEREAS, the Notice of Removal fails to allege the citizenships of the partners of Plaintiff STR SYSTEMS NY, LLC, and of the partners of Defendant GES MEGAFOUR, LLC both at the time of the commencement of the action and at the time of the Notice of Removal. It

is hereby

**ORDERED** that the matter is summarily remanded to state court. Defendant's Notice of Removal is procedurally defective. Pursuant to section 1447(c), the Clerk of Court is respectfully directed to mail a certified copy of this Opinion and Order to the Supreme Court of the State of New York, County of Dutchess. The Clerk of Court is further directed to close the case.

SO ORDERED.

Dated: January 29, 2021  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**